

### III. REMARKS

1. Claims 1-8 are amended.

2. Claims 1-6 are patentable under 35 U.S.C. 102(e) over Geva, U.S. Patent No. 6,366,871. Claim 1 recites a wireless data logging and processing device, means for wirelessly monitoring physical condition of the user, means for wirelessly monitoring physical activity of the user, means for wirelessly monitoring location of the user and means for wirelessly monitoring task activity of the user. Geva fails to disclose or suggest these features of claim 1.

Geva discloses a personal ambulatory cellular health monitor (12) which monitors the physiological condition of a patient (10), records physiological data and transmits some or all of the data, as well as the patients location, via a cellular telephone network to a central medical monitoring station. In Geva, the monitor (12) includes a microphone (405) a speaker (416) a display (606) and a keypad (607). The monitor (12) is adapted to be connected to one or more physiological data input devices such as an electrocardiograph (ECG) input device (14) having one or more ECG electrodes (105) each connected by a wire (16) to a terminus (18) which is connected to monitor (12). (Col. 5, L. 25-42).

In Geva, the external sensors are for plug in connection to the monitor (12) (Col. 5, L. 64 - Col. 6, L. 9; Fig. 2A). As can be seen in Fig. 2A of Geva, all the external sensors are connected to the MUX & A/D (124) of the monitor (12) either directly with wires or through the use of plugs (102, 106, 111, 115) (Col. 6, L. 10-47). This is not what is claimed in Applicant's claim 1. Claim 1 recites a wireless data logging and processing device,

means for wirelessly monitoring physical condition of the user, means for wirelessly monitoring physical activity of the user, means for wirelessly monitoring location of the user, and means for wirelessly monitoring task activity of the user. Therefore claim 1 is patentable over Geva at least for this reason.

Furthermore, nowhere does Geva suggest or disclose means for wirelessly monitoring physical activity of the user and a means for wirelessly monitoring task activity of the user. Geva merely discloses monitoring the physiological condition of the patient. Thus claim 1 is patentable over Geva for this additional reason.

Claim 6 is patentable over Geva for reasons similar to those described above with respect to claim 1. Claims 2-5 ultimately depend from claim 1 and are patentable over Geva at least by reason of their respective dependencies.

3. Claims 7 and 8 are patentable under 35 U.S.C. 103(a) over Geva in view of Nanikashvili, U.S. Pub. No. 2005/0203349. Claims 7 and 8 ultimately depend from claim 6. Geva fails to disclose or suggest the features of claim 6 for the reasons described above. It is further submitted that Nanikashvili was improperly combined with Geva in making the obviousness rejection.

35 U.S.C. 103(a) recites (a) "a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." The related application data of Nanikashvili relates back to

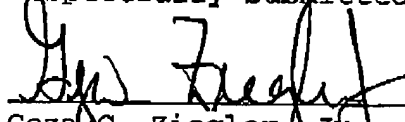
application number 09/261,136 (now U.S. Patent No. 6,366,871 to Geva) which was filed on March 3, 1999. It is respectfully noted that U.S. Patent No. 6,366,871 is the cited reference Geva, which for the reasons described above does not disclose or suggest the wireless function of the electrodes found in Nanikashvili. The earliest that the wireless function of the electrodes found in Nanikashvili is disclosed is in the continuation-in-part application number 10/086,633, which was filed on March 4, 2002. Thus, this subject matter is not entitled to the earlier priority date of Geva because Geva does not disclose the wireless function of the electrodes. The earliest priority date that may be given to the subject matter regarding the wireless function of the electrodes is the filing date of application number 10/086,633 which was filed on March 4, 2002 which is after the filing date of the instant application. Therefore, it would not have been possible for one skilled in the art to modify Geva with the teachings of Nanikashvili at the time the invention was made.

Thus, a *prima facie* case of obviousness has not been established and claims 7 and 8 are patentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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